

March 23, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Development and Environmental Services File No. **V-2464**
Proposed Ordinance No. **2004-0069**

DEWITT AND MAUREEN RANDALL
Petition for Road Vacation

Location: Portion of Southeast 124th Street

Petitioner: **Dewitt & Maureen Randall**
12311 – 171st Place Southeast
Renton, WA 98059
Telephone: (425) 271-5866

King County: Department of Transportation,
Road Services Division, *represented by*
Tommy Burdette
201 S. Jackson Street
Seattle, WA 98104-3856
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2464 was received by the Examiner on February 19, 2004.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2464 was opened by the Examiner at 2:00 p.m., on March 8, 2004, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 2:12 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:
Road name and location: Portion of Southeast 124th Street
Right of way classification: "C"
Area: 7,562 sq. ft.
Compensation: \$3,516.33
2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the March 8, 2004, public hearing and the statement of facts contained in Proposed Ordinance No. 2004-0069. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2004-0069 to vacate the subject road.

RECOMMENDED this 23rd day of March, 2004.

Stafford L. Smith

King County Hearing Examiner

TRANSMITTED this 23rd day of March, 2004, to the following parties and interested persons:

Don Dauphiny
Qwest Communications
1200 12th Ave. NW
Issaquah WA 98027

Terry Davis
Comcast, Inc.
410 Valley Ave. NW
Puyallup WA 98371

King County Water District 90
Attn: Thomas Hoffman
15606 SE 128th Street
Renton WA 98059

Mary Lamping
Puget Sound Energy
411 - 108th Ave. NE
Bellevue WA 98009-9734

Dewitt & Maureen Randall
12311 171st Pl. SE
Renton WA 98059
MS KSC-TR-0231

Tommy Burdette
King County DOT
Rd. Services Div.

Neil DeGoojer
DNRP/WLRD
MS KSC-NR-0600

Sarah Gagnon
DNRP - Wastewater Trtmt.
MS KSC-NR-0503
MS KSC-NR-0600

Larry Gettle
DNRP
Storm Water Services

Nancy Gordon
King County DOT
Transit/D&C
MS KSC-TR-0431

Dennis Gorley
Dept of Transportation
Road Services Division
MS KSC-TR-0231

David Gualtieri
KCDOT
CIP & Planning Sec.
MS KSC-TR-0317

Denise Hauck
KC Dept. of Exec. Svcs.
MS ADM-ES-0500

Rich Hudson
DDES/LUSD
Current Planning
MS OAK-DE-0100

Fatin Kara
KC DOT/Rd. Svcs. Div.
MS KSC-TR-0222

Roderick E. Matsuno
KC DOT
Road Maint. Section
MS RSD-TR-0100

Paulette Norman
KCDOT
Roads Division
MS KSC-TR-0231

Robert Nunnenkamp
KC Parks and Recreation
MS LBP-PR-0100

Lydia Reynolds-Jones
KC DOT
Project Support Serv.
MS KSC-TR-0231

Charlie Sundberg
Office of Cultural Res.
Landmarks & Heritage Prog.
MS STR-CR-0200

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before April 6, 2004*. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before April 13, 2004*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE MARCH 8, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. V-2464

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Tommy Burdette representing the Department; and Maureen Randall, the Petitioner.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DOT Report to the Hearing Examiner dated February 19, 2004 with 15-A Attachments
- Exhibit No. 2 Petition Transmittal letter dated December 10, 2002 to Transportation from the Clerk Of the Council
- Exhibit No. 3 Copy of Receipt and check from Dewitt & Maureen Randall for filing fee
- Exhibit No. 4 Vicinity Map
- Exhibit No. 5 Map depicting vacation area
- Exhibit No. 6 Letter dated December 4, 2002 to petitioner from Dennis Gorley explaining process and Identifying error in legal description
- Exhibit No. 7 Signed revised petition
- Exhibit No. 8 Letter dated July 29, 2003 to petitioner from Paulette Norman identifying amount of Compensation with attached Road Vacation Compensation Worksheet V-2464
- Exhibit No. 9 Transmittal letter to Clerk of the Council dated July 31, 2003 from Harold S. Taniguchi Providing recommendation of KCDOT and the County Road Engineer
- Exhibit No. 10 Letter to Department of Transportation dated September 18, 2003 from Maureen Randall Transmitting compensation payment
- Exhibit No. 11 Receipt dated September 22, 2003 for compensation
- Exhibit No. 12 Ordinance transmittal letter dated January 26, 2004 from the King County Executive to Councilmember Larry Phillips
- Exhibit No. 13 Proposed Ordinance 2004-0069
- Exhibit No. 14 Notice of Hearing
- Exhibit No. 15 Affidavit of Posting for the Hearing
- Exhibit No. 16 Affidavit of Publication for the date of the hearing

SLS:gao
V-2464 RPT
Attachments